Ethics Briefing for Special Government Employees Serving on NASA Advisory Committees

Service on NASA Advisory Committees

- Appointment as Special Government Employee (SGE)
- Defined at 18 U.S.C. 202(a)
 - Anyone who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 130 days out of any 365 days
 - Includes advisory committees

SGE Ethics Rules

- Ethics Principles:
 - Public service is a public
 - May not have conflicting financial interests
 - May not improperly use nonpublic information
 - Avoid even the appearance of impropriety
- Status as SGE
 - Equivalent to being an insider
 - Subject to civil service ethics rules
 - Subject to post-employment restrictions

Representational Conflicts 18 U.S.C 203 & 205

- Prohibits representational activities before the Government
- Applies to SGEs only if:
 - Matter involves parties (e.g. contracts)
 - SGE was personally and substantially involved in the particular matter as part of Government service, or
 - SGE served more than 60 days, and matter is pending before the same agency

Financial Conflicts 18 U.S.C. 208

- Prohibits involvement in a particular matter in which the SGE, employer, or spouse or dependent child has a financial interest
 - An employee is disqualified
 - From participating personally and substantially
 - In any particular matter in which
 - The employee, or anyone whose interests are imputed to the employee, has a financial interest,
 - If the particular matter will have a direct and predictable effect on that interest.

Post-Employment Restrictions 18 U.S.C. 207

- Permanently prohibits a former employee
- From making, with the intent to influence, any communication to the United States,
- On behalf of an other person
- In connection with a particular matter in which the United States is a party or has a substantial interest,
- If the employee was personally and substantially involved in the matter
- Applies to SGEs exactly as it does to civil servants

Standards of Conduct

GIFT RULES

- From Outside Prohibited Sources
- Anything having monetary value
- Official Position (as SGE)

Exceptions

- Anything from Federal Government
- Outside business activities
- Personal relationships
- \$20/\$50 rule

NASA Ethics Officials

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 - Designated Agency Ethics Official (DAEO)
- R. Andrew Falcon, Senior Attorney
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